

EXHIBIT X

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March 11, 2009

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OUR FILE NUMBER
03A-080-006

WATERS DIRECT DIAL
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WATERS FAX/MAIL ADDRESS
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Dear Jan:

Re: Grace

We served document request at the outset of the confirmation discovery proceedings seeking the production of any and all databases concerning the Libby claimants. We appreciate your having provided us with a copy of the Grace claims database and the separate 2019 filing made by counsel for the Libby claimants. We have since had an opportunity to review both databases concerning the information that they contain related to the Libby claimant. The Grace claims database does not appear to contain the Libby claimants who have asserted claims after the bankruptcy filing. Hence, many of the individuals listed on the 2019 filing do not appear to be in the Grace claims database. With regard to the information provided by the 2019 filing, it is very cursory. Essentially, no information is provided other than name and disease unlike most of the other 2019 filings made by other claimant lawyers.

We have asked Grace several times whether it has a database of any kind with regard to the Libby claimants. We also asked Grace to check whether the Libby claimants or Dr. Whitehouse produced any databases to Grace in connection with the estimation proceedings or any other matter. In paragraph 5 of the Dr. Whitehouse report, Dr. Whitehouse states: "Since 1980 I have evaluated or treated over 700 patients for asbestos disease from Libby asbestos. Since about 2000, patient data has been tracked on a database." (emphasis added.) Elsewhere in his expert report, Dr. Whitehouse refers to results which appear to be extrapolated from a database. He also attaches several charts that appears to have been generated from a Libby claimant database. Has Grace obtained a copy of the database(s) generated by Dr. Whitehouse and/or the lawyers for the Libby claimants or any portion thereof? The Libby claimants have raised various objections that directly implicate the rights and interest of both our clients. We need this information for this purpose. We also seek Grace's cooperation as our policyholder in providing us with information concerning any and all claims that have been asserted against Grace, including the Libby claims.

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If after checking on this, you conclude that Grace does not have a copy of any database concerning the Libby claims. We would like to work cooperatively with you to obtain this information. If Grace has withheld any database concerning the Libby claimants on grounds of any privilege, we ask that you disclose this now. We will be prejudiced if we learn that this information has been withheld only after expert reports are due.

I have attached a copy of the relevant pages from Dr. Whitehouse's report illustrating the points made above.

We ask to include this in our meet and confer.

Very truly yours,

Allen Schwartz
for O'MELVENY & MYERS LLP

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